IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2988 OF 1996

M/s.Kiran Colour Industries
C/o. Cemitiles, 61, Industrial
Estate, Hadapsar, Pune - 13 ... Petitioner

V/s.

1. N.G. Mogare
65/66, Wanavdi gaon, Opp.Mahadev
Temple, Pune - 40

2. P.S. Shinde
Presiding Officer, Second Labour
Court, Pune ... Respondents

Mrs.Meena H. Doshi for Petitioner
Mr.Avinash Fatangare for Respondent No.1

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 31, 2004**

ORAL JUDGMENT:

. This Petition challenges the award of the Labour Court dated 9.11.1995 allowing the Reference and directing the Petitioner to pay backwages to the Respondent-workman for the period from 12.1.1992 to 14.10.1994 alongwith cots of Rs.500/-. The Petitioner is a sole proprietary concern and was engaged in manufacturing activities. In the year 1988, the Petitioner recruited Respondent No.1 who was partially blind. On 18.3.1991, Respondent No.1 met with an accident which increased his handicap. Between the period 18.3.1991 and 24.8.1991, the respondent was on leave as advised by the Employees State Insurance panel

Doctor. It appears from 8.11.1991 to 7.1.1992, the respondent was laid off as the business was slack. It is the case of the Petitioner that the respondent abandoned his duties while the Respondent contends that the Petitioner was not willing to give him work. The respondent-workman invoked the provisions of the Industrial Disputes Act. The dispute raised by him for reinstatement with continuity of service and full backwages was referred for adjudication. Pleadings were filed by the parties. In the written statement dated 18.9.1993, the Petitioner showed their willingness to permit the respondent to report for duty. On 4.8.1994, the respondent filed an application that he was willing to report for duty without prejudice to his rights to claim wages for the intervening period. It appears that the Petitioner's business has been closed down from 1.4.1995. The respondent continued to work till the closure of the concern. By the award of 9.11.1995, the respondent has been granted wages for the intervening period.

2. Heard advocates.

3. At the time of admission, an amount of Rs.12000/- was directed to be deposited and invested in this Court which the Petitioner has done. In view of the closure of the concern, I see no reason to go into

the merits of the case. However, I am of the view that ends of justice would be met if Respondent No.1 is paid 50% of the amount deposited together with accrued interest. The balance amount together with the interest shall be paid over to the Petitioner. The award of the Labour Court is modified accordingly.

4. Writ Petition stands disposed of.